IN THE BOMBAY HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

ARBITRATION PETITION NO.498 OF 2003

Mr.Jitendra H. Shah. ... Petitioner.

vs.

Prakash K. Shah. ... Respondent.

Mr.Girish Desai i/b. S.V.Thakkar, for Petitioner.

Mr.S.S.Purohit i/b. Purohit & Co., for Respondent.

CORAM: D.K.DESHMUKH,J.

DATED: 22nd March, 2005.

P.C.:-

1. By this petition, the petitioner challenges the Award made by the Umpire. By that Award, the claim made by the petitioner as also the counterclaim made by the respondent are rejected. After having heard learned

counsel for both the sides, I find that the entire Award turns on appreciation of evidence on record. There is no complaint that any piece of evidence has been left out of consideration. The appreciation of evidence is not proper, cannot be the ground for challenging the Award under the Arbitration and Conciliation Act,1996. The petition therefore, fails and is dismissed. The petitioner to pay costs of this petition to the respondent as incurred by the respondent.

22.3.2005 ---